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Carole Migden, Friends of Carole Migden
Committee, and Re-Elect Senator Carole
Migden Committee

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CAROLE MIGDEN, et al.,

Plaintiffs,

vs.

CALIFORNIA FAIR POLITICAL PRACTICES
COMMISSION, et al.,

Defendants.

No.: 2:08-CV-00486-EFB

**SECOND DECLARATION OF
CAROLE MIGDEN IN SUPPORT
OF MOTION FOR PRELIMINARY
INJUNCTION**

Hearing:

Date: April 1, 2008
Time: 10:00 a.m.
Crtrm: 25

(The Honorable Edmund F. Brennan)

DECLARATION OF CAROLE MIGDEN

I, Carole Migden, declare under penalty of perjury as follows:

1. In 2006, the FPPC completed an audit of my 2002 Board of Equalization Committee and my 2004 Senate Committee. The audit led to a fine based on the committees' failure to file numerous campaign disclosure reports. At no time during the audit, however, did the FPPC inform me that any of my campaign funds were considered "surplus" and could not be spent on any future campaigns.

2. Prior to this audit, I was not aware that there were any problems with these committees. During the period of time covered by the audit, I had been battling cancer and had focused my remaining energy on my duties as a member of the Board of Equalization and Senate. I had also delegated responsibility for the nuts and bolts of my campaign accounts to volunteers. The FPPC's 2006 fine was a wake-up call.

3. In response, I hired a professional treasurer and directed the treasurer and my attorneys to conduct a top to bottom review of my campaign accounts. When they discovered additional problems, I directed them to disclose the problems to the FPPC, to file amended campaign reports, and to work with the FPPC to resolve the problems.

4. Before receiving the FPPC's October 29, 2007 letter, I had not been aware of the FPPC's position that I could not use the funds in the Sterling Bank account in my future election. Because I had directed that the funds be set aside in a separate account for use in a future election and had been assured that this had been done, I believed that I could use the funds in my 2008 re-election campaign. At no time did I or my campaign conceal the existence of those funds, although the FPPC takes issue with the technical aspects of how those funds were shown on my campaign reports.

1 I declare under penalty of perjury, under the laws of the State of California, that the
2 foregoing is true and correct and that this declaration was executed on March 21, 2008 at
3 San Francisco, California.

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6 CAROLE MIGDEN

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